



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 18 2014

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7009 1680 0000 7678 5822
RETURN RECEIPT REQUESTED

Mr. [REDACTED], Registered Agent
Ledgeview Farms, LLC.
[REDACTED]

Re: *In the Matter of Ledgeview Farms LLC*
Clean Water Act Administrative Order V-W-13-AO-22
Notifications of Required Revisions to Draft Permit Compliance Plan and
Information Request Docket Number: V-W-14-308-24

Dear Mr. [REDACTED]:

On September 13, 2013, the U.S. Environmental Protection Agency issued an Administrative Order ("Order") V-W-13-AO-22 to Ledgeview Farms, LLC ("Ledgeview") for its facilities at 3875 Dickinson Road and 3688 County Road V, in De Pere, Wisconsin. On September 26, 2013, EPA sent Ledgeview a letter providing a Compliance Schedule as an aid to understand the compliance deadlines of the Order. Additionally, EPA notified Ledgeview that the Order was effective as of September 28, 2013.

On March 13, 2014, EPA notified Ledgeview by letter that EPA had not received the Permit Compliance Plan required under section IV.C. of the Order. This plan was due on December 27, 2013. Mr. David Wetenkamp of Brown County Land and Water Conservation emailed documents pertaining to a Permit Compliance Plan on March 18, 2014. According to Mr. Wetenkamp, those documents were sent at the request of Ledgeview. Mr. Wetenkamp's email and document is attached to this letter (Attachment A).

EPA reviewed and hereby disapproves of the draft Permit Compliance Plan and requires revisions to the draft Permit Compliance Plan, pursuant to paragraph 43 of the Order. Please submit a revised draft Permit Compliance Plan addressing all of the following:

- The actions Ledgeview has taken or will take to prepare and submit a complete NPDES permit application to WDNR (see paragraph 41 of the Order).
- A schedule for the development of nutrient management plan (NMP) (paragraph 46.c, section IV.D) and a schedule for the construction of all controls required by the NMP (see paragraph 41.a of the Order)¹.

NOTE: State when an NMP meeting all requirements of paragraphs 49-61 of the Order will be submitted to WDNR.

ALSO NOTE: The 3/18/14 Brown County email describes a schedule for certain proposed construction projects. The email provided dates for the completion of proposed construction projects which extended until October 2015 and June 2016. The Order required for the construction of all controls and for the submittal of a complete Permit Application to WDNR within 270 days of the effective date of the Order (see paragraph 41 and 42 of the Order). It is unclear whether or not those construction projects are required by the NMP, and it is unclear whether or not those construction projects constitute all controls required by the NMP. In the event that the construction projects are required by the NMP, the construction schedule for the following projects listed in the 3/18/14 Brown County email must be revised:

- Animal Lot B: revise completion date to be 9/30/14*
- Animal Lot D: revise completion date to be 9/30/14*
- Leachate Controls Lower Bunker: revise completion date to be 11/30/14*
- Manure Storage 5-6 Million gallon storage: revise completion date to be 11/30/14*

- The design costs, capital costs, annual operation and maintenance costs associated with the NMP (see paragraph 41.b of the Order).

NOTE: The 3/18/14 Brown County email included one page listing "Construction Costs for compliance". It is unclear whether or not that one page of costs was part of the cost submittal required under paragraph 41.b of the Order. Provide all costs described in paragraph 41.b of the Order).

- A schedule for submitting a complete Permit Application to WDNR after construction of all controls required by the NMP (see paragraph 41.c of the Order). *NOTE: Provide a schedule documenting when a complete NPDES permit application, including all requirements contained in paragraphs 46-47 of the Order will be submitted to WDNR.*

- A certification with an authorized signature as required by paragraph 72 of the Order.

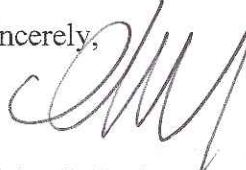
¹ Your schedule should reflect the fact that the NMP will contain the information required by paragraphs 49, 51, 57-59, and 60 of the Order.

Please be aware that all submittals made pursuant to the Order shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fines and imprisonment for knowing violations.

Pursuant to paragraph 43 of the Order, Ledgeview must submit a revised draft Permit Compliance Plan to EPA **within ten (10) calendar days** of receipt of this letter. Failure to comply with the Order may subject Ledgeview Farms to further enforcement action pursuant to Section 309 of the Clean Water Act (CWA). Please respond to the attached request for information pursuant to Section 308(a) of the CWA (Attachment B). If you have any questions, please contact Don Schwer of my staff, at (312) 353-8752 as soon as possible.

Sincerely,


Tinka G. Hyde
Director, Water Division

D. MARINO for T.H.

ATTACHMENT A

Schwer, Don

From: Wetenkamp_DL <Wetenkamp_DL@co.brown.wi.us>
Sent: Tuesday, March 18, 2014 11:03 AM
To: Schwer, Don
Cc: [REDACTED]
Subject: EPA Compliance
Attachments: David Wetenkamp.vcf; EPA Complinance Doc Final.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: State contacts

Don,

Here is the information that is required for compliance. Please review and let me know if there is any other information that is needed.

David



***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

Brown County

1150 BELLEVUE ST.
GREEN BAY, WI 54302

PHONE (920) 391-4620 FAX (920) 391-4617 WEB: www.co.brown.wi.us



JIM JOLLY

COUNTY CONSERVATIONIST

DAVID WETENKAMP

PHONE (920) 391-4639 FAX (920) 391-4617 EMAIL: wetenkamp_dl@co.brown.wi.us

ENGR TECHNICIAN

03/04/2014

This letter is in response to the Order for Compliance (Docket No. V-W-13-AO-22) received from the U.S. Environmental Protection Agency on behalf of Ledgeview Farms, LLC. Brown County was notified by [REDACTED] of the site investigation and order. A site visit and meeting was conducted on 10-08-2013 with [REDACTED] discussing the details of the order and the corrective measures needed. [REDACTED] have requested Brown County LWCD respond to the EPA with the information discussed, planned actions and generate any needed drawings, plans or documents needed for compliance requirements. Please respond if any other information is needed.

The following items are attached or are addressed in this document:

1. EPA Forms 1 & 2
2. Emergency Response Plan
3. Upper Farm Planning Map - Runoff controls implementation
4. Lower Farm Planning Map - Runoff controls implementation
5. Site Plan View WSF - NRCS 313 (Proposed plan)
6. Nutrient Management Planning/Plans are being developed by Kevin Beckard of AgSource (920) 309-1498. He will be contacting EPA and WDNR to submit documents. Email: kbeckard@agsource.com
7. WDNR - NPDES/WPDES Permit will be handled by Casey Jones, <Casey.Jones@wisconsin.gov> (920) 303-5426. Brown County LWCD is working on initial WPDES permit procedures.
8. Compliance Schedule is included.
9. Compliance estimated costs. (attached)

COMPLIANCE:

Ledgeview Farms has already implemented interim control of runoff occurring from the upper and lower farms by ramping up cleaning operations and removing cattle off of the concrete feedlots and earthen pasture/exercise lots. Currently a 6 row 120' x 800' modern design freestall barn is being built on the upper farm to relocate and confine all milking, dry and large heifers under roof with no outside access. The existing earthen lots will be allowed to grow up with native vegetation and the areas that can be farmed will be tilled and crops planted. The gully erosion that is occurring will be addressed with designs and technical assistance from Brown County.

1. Lot A - Upper Farm Map

This multiple use concrete area has several feeding and loafing areas. The animals have been removed and locked off of this area and are confined in the existing and new freestall barns. The doorways in the existing barns are going to be gated and 4" - 6" concrete speed bumps installed to eliminate any seepage out of the barn alleys between cleaning operations. Sand or straw bales will be placed to intercept seepage until concrete is poured. Future use of the concrete lot will be for minimal cattle traffic if shuttling animals between barns.

2. Lot B - Upper Farm Map

This small heifer/calf yard will be blocked with hay bales to reduce seepages and solids runoff for interim measures. Long term plans are to install a buffer area or roof the concrete area for total confinement.

3. Lot C - Upper Farm Map

This area was a mixed pasture and earthen exercise lot. The animals have been removed and confined in existing farm buildings. This area will no longer be used by cattle and they will be confined. The areas that can be farmed in this area are going to be tilled and crops planted, while the remainder will be allowed to re-vegetate with natives. Gully erosion not healed by re-vegetation will be addressed by NRCS approved designs as appropriate. Brown County LWCD will consult and give technical assistance to Ledgeview Farms through the process.



4. Lot D - Lower Farm Map

A 4895 sq.ft. concrete area discharges feedlot runoff out of an access gate located on the southeast side of the lot, which eventually drains to the road ditch along County Rd V. Plans are to close off this area with a concrete wall to contain the runoff until it can be removed or confine animals from using this area. The interim measure is to place straw bales in front of the opening reducing seepage and to hold back manure solids.

5. Leachate Runoff

Leachate runoff controls scheduled for the lower farm for engineering designs meeting NRCS Standard 629. It was discussed that the single bunker located at the upper farm may be abandoned or to restrict use to dry hay only reducing/eliminating leachate issues. The outside walls will be backfilled with clay 3 feet high, top soiled and seeded to prevent seepage losses from the bunker walls and wall/slab interface. See attached planning map for locations.

1. **Bunker A - Upper Farm Map**
2. **Bunker B - Lower Farm Map**

A waste storage facility/site has been surveyed, designed and drafted by Brown County for a 5-6 million gallon earthen clay lined structure meeting NRCS Standard 313. The structures bottom is planned to be lined with a reinforced concrete slab and ramp for manure management. Attached is a plan view of the proposed structure.

Please review and contact me at your convenience if you have any questions, concerns or any further requests for information regarding compliance requirements to the order. Below is a compliance schedule.

David Wetenkamp

Brown County Land & Water Conservation Department
1150 Bellevue St.
Green Bay, WI 54302

(920) 391-4639
wetenkamp_dl@co.brown.wi.us

Ledgeview Farms, LLC EPA Schedule of Compliance Timeline 03/04/2014

ANIMAL LOTS

Lot A - Completed

Lot B - Interim practices currently. Design/construct by 6/2016

Lot C - Completed

Lot D - Interim practices currently. Design/construct by 10/2015

LEACHATE CONTROLS

Upper Bunker - Design/construct by 10/2014

Lower Bunker - Design/construct by 10/2015

Current Milkhouse Waste - Contained in 16'1 x 12'w x 8'd concrete tank and land applied.

MANURE STORAGE

Pit#2 - Wall/hole plugged with clay, hole to be patched by 5/2014

Proposed 5-6 Million gallon storage meeting WPDES & NRCS 313 design/construct by 10/2015

NUTRIENT MANAGEMENT PLAN

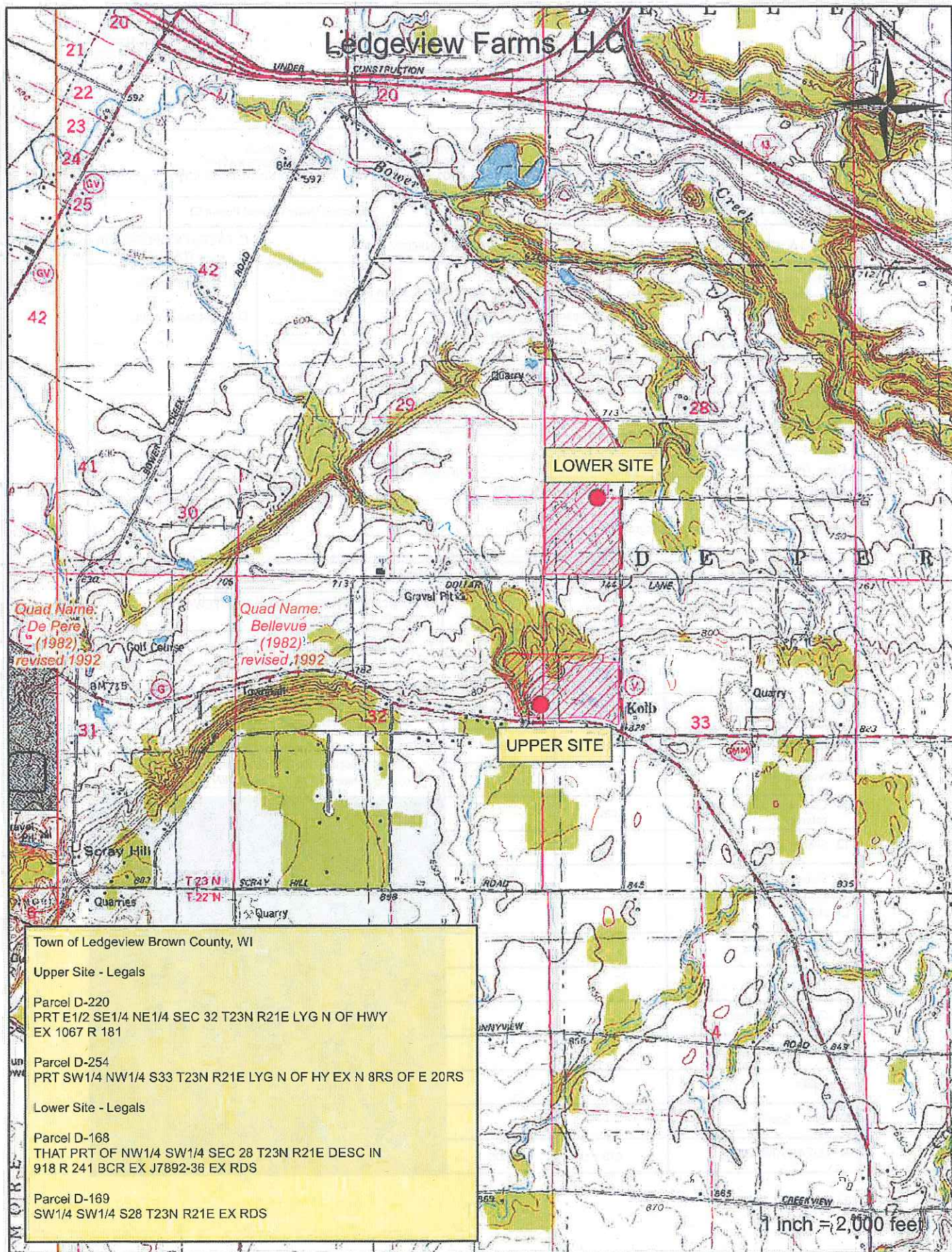
Updated plan meeting WPDES & NRCS Std. 590 submitted to WDNR by 5/2014

WPDES PERMIT APPLICATION Initial forms submitted to WDNR by 4/2014

FORM 1 GENERAL		U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)		I. EPA I.D. NUMBER	
II. POLLUTANT CHARACTERISTICS		III. NAME OF FACILITY		IV. FACILITY CONTACT	
V. FACILITY MAILING ADDRESS		VI. FACILITY LOCATION		VII. COUNTY CODE (if known)	
I. EPA I.D. NUMBER		II. POLLUTANT CHARACTERISTICS		III. NAME OF FACILITY	
III. FACILITY NAME		IV. FACILITY CONTACT		IV. FACILITY CONTACT	
V. FACILITY MAILING ADDRESS		V. FACILITY MAILING ADDRESS		V. FACILITY MAILING ADDRESS	
VI. FACILITY LOCATION		VI. FACILITY LOCATION		VI. FACILITY LOCATION	
GENERAL INSTRUCTIONS		GENERAL INSTRUCTIONS		GENERAL INSTRUCTIONS	
If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.		If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.		If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.	
INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.		INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.		INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.	
SPECIFIC QUESTIONS		SPECIFIC QUESTIONS		SPECIFIC QUESTIONS	
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		C. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)		E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)					
III. NAME OF FACILITY		IV. FACILITY CONTACT		V. FACILITY MAILING ADDRESS	
1 SKIP Ledgeview Farms, LLC		A. NAME & TITLE (last, first, & title)		B. PHONE (area code & no.)	
15 16 - 29 30		2		15 16 25 26 28 29 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	
IV. FACILITY CONTACT		V. FACILITY MAILING ADDRESS		VI. FACILITY LOCATION	
A. STREET OR P.O. BOX		B. CITY OR TOWN		C. STATE	
3		4		5	
15 16 45		15 16 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60		15 16 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	
V. FACILITY MAILING ADDRESS		VI. FACILITY LOCATION		VII. COUNTY CODE (if known)	
A. STREET OR P.O. BOX		B. CITY OR TOWN		C. STATE	
3		4		5	
15 16 45		15 16 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60		15 16 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	
VI. FACILITY LOCATION		VII. COUNTY CODE (if known)		VIII. ZIP CODE	
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER		B. COUNTY NAME		C. CITY OR TOWN	
5 3875 Dickinson Rd		Brown		De Pere	
15 16 45		46 47 48 49 50 51 52 53 54 55 56 57 58 59 60		40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	
VIII. ZIP CODE		IX. COUNTY CODE (if known)		X. STATE	
54115		WI		54115	
15 16 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60		40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60		40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)									
A. FIRST					B. SECOND				
0	1	2	3	4	5	6	7	8	9
7	0	2	4	1	7				
(specify)					(specify)				
C. THIRD					D. FOURTH				
0	1	2	3	4	5	6	7	8	9
7					7				
(specify)					(specify)				
VIII. OPERATOR INFORMATION									
A. NAME								B. Is the name listed in Item VIII-A also the owner?	
0	1	2	3	4	5	6	7	8	9
8									
								<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other," specify)								D. PHONE (area code & no.)	
F = FEDERAL S = STATE P = PRIVATE				M = PUBLIC (other than federal or state) O = OTHER (specify)				A	
				P				(specify)	
E. STREET OR P.O. BOX									
F. CITY OR TOWN								G. STATE	
H. ZIP CODE								IX. INDIAN LAND	
								Is the facility located on Indian lands?	
								<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
X. EXISTING ENVIRONMENTAL PERMITS									
A. NPDES (Discharges to Surface Water)					D. PSD (Air Emissions from Proposed Sources)				
0	1	2	3	4	5	6	7	8	9
9	N				9	P			
None (IP)					None				
B. UIC (Underground Injection of Fluids)					E. OTHER (specify)				
0	1	2	3	4	5	6	7	8	9
9	U				9				
None					(specify)				
C. RCRA (Hazardous Wastes)					E. OTHER (specify)				
0	1	2	3	4	5	6	7	8	9
9	R				9				
None					N/A				
XI. MAP									
<p>Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers, and other surface water bodies in the map area. See instructions for precise requirements.</p>									
XII. NATURE OF BUSINESS (provide a brief description)									
<p>This is a dairy, beef and agricultural producer that produces raw milk, beef and agricultural crops for feed and market sale.</p>									
XIII. CERTIFICATION (see instructions)									
<p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.</p>									
A. NAME & OFFICIAL TITLE (type or print)					B. SIGNATURE			C. DATE SIGNED	
Owner/Operator								3-17-14	
COMMENTS FOR OFFICIAL USE ONLY									
0	1	2	3	4	5	6	7	8	9
C									



EPA ID. NUMBER (copy from Item 1 of Form 1)																																
FORM 2B NPDES	EPA U.S. ENVIRONMENTAL PROTECTION AGENCY APPLICATIONS FOR PERMIT TO DISCHARGE WASTEWATER CONCENTRATED ANIMAL FEEDING OPERATIONS AND AQUATIC ANIMAL PRODUCTION FACILITIES																															
I. GENERAL INFORMATION Applying for: Individual Permit <input checked="" type="checkbox"/> Coverage Under General Permit <input type="checkbox"/>																																
A. TYPE OF BUSINESS <input checked="" type="checkbox"/> 1. Concentrated Animal Feeding Operation (complete items B, C, D, and section II) <input type="checkbox"/> 2. Concentrated Aquatic Animal Production Facility (complete items B, C, and section III)	B. CONTACT INFORMATION Owner/or Operator Name: [REDACTED] Telephone: ([REDACTED]) [REDACTED] Address: [REDACTED] Facsimile: ([REDACTED]) [REDACTED] City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]	C. FACILITY OPERATION STATUS <input checked="" type="checkbox"/> 1. Existing Facility <input type="checkbox"/> 2. Proposed Facility																														
D. FACILITY INFORMATION Name: <u>Ledgeview Farms, LLC</u> Telephone: ([REDACTED]) Address: <u>3875 Dickinson Rd</u> Facsimile: ([REDACTED]) City: <u>De Pere</u> State: <u>WI</u> Zip Code: <u>54115</u> County: <u>Brown</u> Latitude: <u>44.4249N</u> Longitude: <u>87.9695W</u> If contract operation: Name of Integrator: _____ Address of Integrator: _____																																
II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS																																
A. TYPE AND NUMBER OF ANIMALS		B. MANURE, LITTER, AND/OR WASTEWATER PRODUCTION AND USE																														
1. TYPE	2. ANIMALS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">NO. IN OPEN CONFINEMENT</th> <th style="width: 50%;">NO. HOUSED UNDER ROOF</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> Mature Dairy Cows</td> <td style="text-align: center;">550</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> Dairy Heifers</td> <td style="text-align: center;">150</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Veal Calves</td> <td style="text-align: center;">425</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Cattle (not dairy or veal calves)</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Swine (55 lbs. or over)</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Swine (under 55 lbs.)</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Horses</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Sheep or Lambs</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Turkeys</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Chickens (Broilers)</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Chickens (Layers)</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Ducks</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Other: Specify _____</td> <td style="text-align: center;">[REDACTED]</td> </tr> <tr> <td style="text-align: center;">3. TOTAL ANIMALS</td> <td style="text-align: center;">575 1105</td> </tr> </tbody> </table>	NO. IN OPEN CONFINEMENT	NO. HOUSED UNDER ROOF	<input checked="" type="checkbox"/> Mature Dairy Cows	550	<input checked="" type="checkbox"/> Dairy Heifers	150	<input type="checkbox"/> Veal Calves	425	<input type="checkbox"/> Cattle (not dairy or veal calves)	[REDACTED]	<input type="checkbox"/> Swine (55 lbs. or over)	[REDACTED]	<input type="checkbox"/> Swine (under 55 lbs.)	[REDACTED]	<input type="checkbox"/> Horses	[REDACTED]	<input type="checkbox"/> Sheep or Lambs	[REDACTED]	<input type="checkbox"/> Turkeys	[REDACTED]	<input type="checkbox"/> Chickens (Broilers)	[REDACTED]	<input type="checkbox"/> Chickens (Layers)	[REDACTED]	<input type="checkbox"/> Ducks	[REDACTED]	<input type="checkbox"/> Other: Specify _____	[REDACTED]	3. TOTAL ANIMALS	575 1105	1. How much manure, litter, and wastewater is generated annually by the facility? <u>15,100</u> tons <u>350,000</u> gallons 2. If land applied how many acres of land under the control of the applicant are available for applying the CAFOs manure/litter/wastewater? <u>2181</u> acres 3. How many tons of manure or litter, or gallons of wastewater produced by the CAFO will be transferred annually to other persons? <u>N/A</u> tons <u>N/A</u> gallons
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<input type="checkbox"/> Other: Specify _____	[REDACTED]																															
3. TOTAL ANIMALS	575 1105																															

C. <input checked="" type="checkbox"/> TOPOGRAPHIC MAP			
D. TYPE OF CONTAINMENT, STORAGE AND CAPACITY			
1. Type of Containment	Total Capacity (in gallons)		
<input type="checkbox"/> Lagoon			
<input type="checkbox"/> Holding Pond			
<input type="checkbox"/> Evaporation Pond			
<input type="checkbox"/> Other: Specify _____			
2. Report the total number of acres contributing drainage: <u>2181</u> acres			
3. Type of Storage	Total Number of Days	Total Capacity (gallons/tons)	
<input type="checkbox"/> Anaerobic Lagoon			
<input type="checkbox"/> Storage Lagoon			
<input type="checkbox"/> Evaporation Pond			
<input checked="" type="checkbox"/> Aboveground Storage Tanks		(2) = 992,940	
<input checked="" type="checkbox"/> Belowground Storage Tanks		(1) = 10,000	
<input type="checkbox"/> Roofed Storage Shed			
<input type="checkbox"/> Concrete Pad			
<input type="checkbox"/> Impervious Soil Pad			
<input type="checkbox"/> Other: Specify _____			
E. NUTRIENT MANAGEMENT PLAN			
Note: Effective February 27, 2009, a permit application is not complete until a nutrient management plan is submitted to the Permitting Authority.			
1. Please indicate whether a nutrient management plan has been included with this permit application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
2. If no, please explain: Currently being updated and developed by Ag Source - Kevin Beckard.			
3. Is a nutrient management plan being implemented for the facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
4. The date of the last review or revision of the nutrient management plan, Date: <u>03/27/13</u>			
5. If not land applying, describe alternative use(s) of manure, litter, and/or wastewater:			
F. LAND APPLICATION BEST MANAGEMENT PRACTICES			
Please check any of the following best management practices that are being implemented at the facility to control runoff and protect water quality:			
<input type="checkbox"/> Buffers <input type="checkbox"/> Setbacks <input type="checkbox"/> Conservation tillage <input type="checkbox"/> Constructed wetlands <input type="checkbox"/> Infiltration field <input type="checkbox"/> Grass filter <input type="checkbox"/> Terrace			

III. CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY CHARACTERISTICS					
A. For each outfall give the maximum daily flow, maximum 30-day flow, and the long-term average flow.			B. Indicate the total number of ponds, raceways, and similar structures in your facility.		
1. Outfall No.	2. Flow (gallons per day)			1. Ponds	2. Raceways
N/A	a. Maximum Daily	b. Maximum 30 Day	c. Long Term Average	C. Provide the name of the receiving water and the source of water used by your facility.	
				1. Receiving Water	2. Water Source
D. List the species of fish or aquatic animals held and fed at your facility. For each species, give the total weight produced by your facility per year in pounds of harvestable weight, and also give the maximum weight present at any one time.					
1. Cold Water Species			2. Warm Water Species		
a. Species	b. Harvestable Weight (pounds)		a. Species	b. Harvestable Weight (pounds)	
	(1) Total Yearly	(2) Maximum		(1) Total Yearly	(2) Maximum
E. Report the total pounds of food during the calendar month of maximum feeding.			1. Month	2. Pounds of Food	
IV. CERTIFICATION					
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.					
A. Name and Official Title (print or type)			B. Telephone ()		
C. Signature			D. Date Signed		

Emergency Response Plan

Farm Name:	Ledgeview Farms, LLC - Upper & Lower Farm		
Owner/Operator:		Phone:	
Owner/Operator:		Phone:	
Farm Address:	3870 Dickinson Rd DePere, WI 54115		
Farm Location:	T 23 N, R 21	Section 33	County: Brown
Driving Directions or Emergency Coordinates: Located west of the intersection of Cty Hwy G (Dickinson Rd) and Cty Rd V in Kolbs Corner, Town of Ledgeview, Brown County, WI.			

In Case of Injury, Fire, or Rescue Emergency, Immediately Implement the Following:

1. Assess the condition of the victim, extent of the emergency (fire, rescue) and call for help.
2. Stabilize the victim, use on-site rescue equipment, evacuate buildings, or begin fire suppression as necessary.
3. Brief emergency responders upon arrival on current status of situation.

In Case of a Spill, Leak, or Failure at the Storage Facility, During Transport, or Land Application, Immediately Implement the Following:

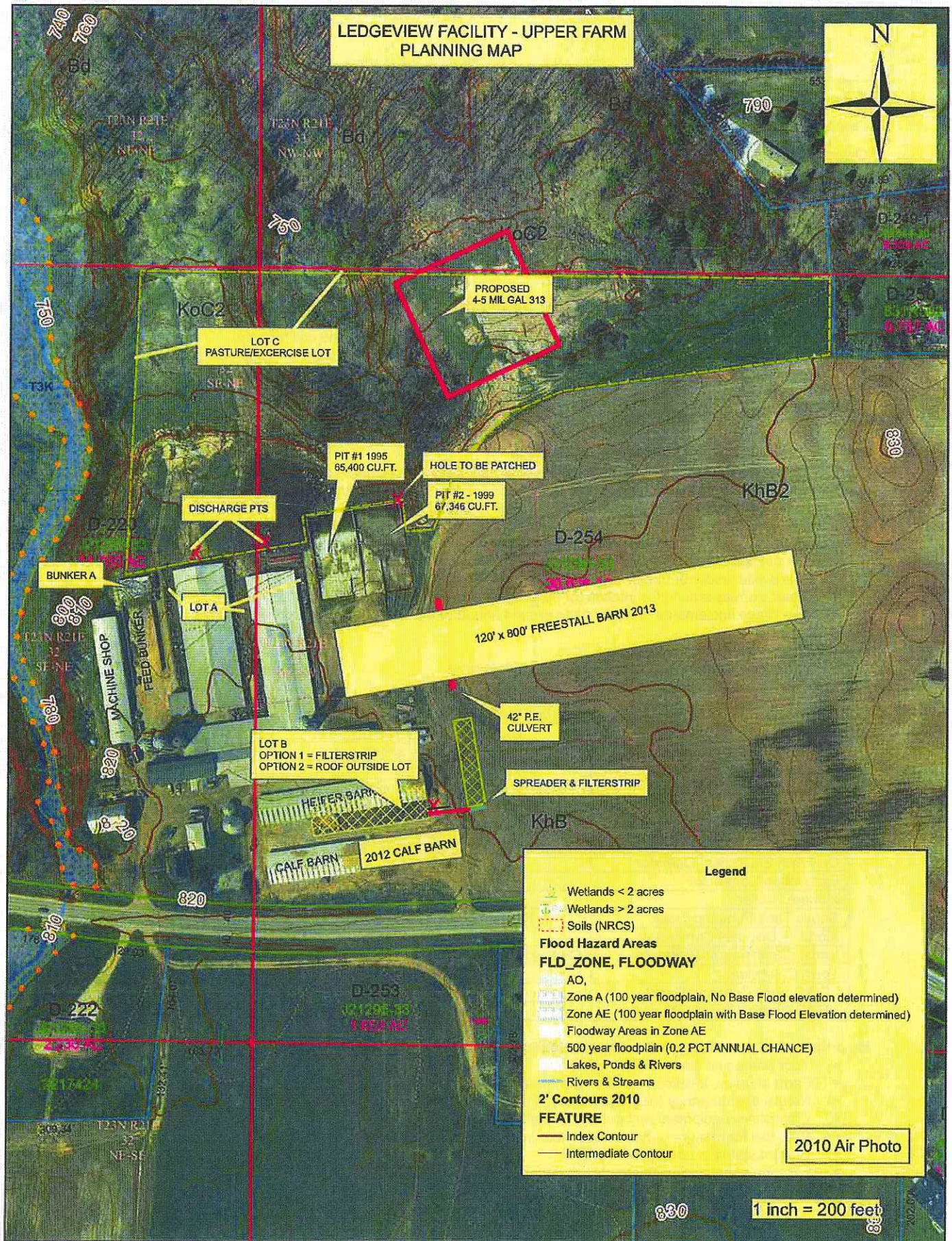
1. Stop the source of the leak or spill. For example:
 - Turn off all pumps/valves and clamp hoses or park tractor on hoses to stop the flow of manure.
2. Assess the situation and make appropriate calls for people, equipment, and materials. See contacts below.
 - Notify DNR spill hotline: 1-800-943-0003 (Spill reporting is mandatory by state law.)
 - Call sheriff's office if spilled on public roads or its right-of-ways for traffic control.
 - Clear the road and roadside of spilled material immediately.
3. Contain the spill and prevent spillage from entering surface waters, tile intakes, or waterways.
 - Use a skid loader or tractor with a blade to build dikes to contain or divert the spill or leak.
 - Insert sleeves around tile intakes (or plug/cap intakes) and block down slope culverts.
 - Use tillage implements to work up the ground ahead of the spill or use absorptive materials.
4. Begin cleanup.
 - Use pumps to recover liquids.
 - Land apply on approved cropland at appropriate rates.
5. Document your actions.

Emergency Contacts	Contact Person (or Company)	Phone Number
Fire/Rescue	Ledgeview Fire Department	911 or 920-336-3360
County Sheriff	Brown County Sheriff	911 or 920-391-7450
Farm Emergency Coordinator		
DNR Hazardous Spill Line	24 Hour Spills Hotline	1-800-943-0003
DNR Permit Contact/Warden	Jay Schiefelbein(contact)/Cara Kamke(Warden)	920-662-5407 / 920-360-5979
Veterinarian	De Pere Veterinary Services	920-336-7233
Equipment/Supplies	Contact Person (or Company)	Phone Number
On-Farm Equipment Operator		
Excavation Contractor		
Manure Hauler		
Septic Tank Pumping Truck		
Mortality Disposal Contractor		
Local Government Contacts	Contact Person	Phone Number
Town Chairman	Marc Hess	920-737-8556
LCD County Conservationist	James Jolly	920-391-4620
NRCS District Conservationist	John Malvitz	920-884-3910 ext 102

Be prepared to provide the following information:

- Your name and contact information
- Farm address, location and other pertinent identification information.
- Nature of emergency (employee injury, fire, discharge of manure or hazardous materials).
- Emergency equipment and personnel that are needed.
- Potential for manure or hazardous materials to reach surface waters or major field drains.
- Current status of containment efforts.
- Location of hazardous/flammable materials, fire suppression equipment, emergency cut off switches or valves.

LEDGEVIEW FACILITY - UPPER FARM PLANNING MAP



**LEDGEVIEW FACILITY - LOWER FARM
PLANNING MAP
2010 AERIAL**

**BARN REPLACEMENT
2010**

LOT - DRAINS TO CONCRETE
TANK/SUMP - CONTAINED

BEEF/HEIFER BARN
EXT. ROOF GUTTERS

PARTIAL LOT D - 4895 SQ.FT.
DRAINS ACROSS SITE
TO RD. DITCH

A - Fill in opening w/new wall, contain runoff
B - Omit cattle from this area

LOT D - 37629 SQ.FT.
DRAINS TO SUMP

BUNKER B

FEED BUNKERS

Culvert

WATERWAY

BUNKER 2010

HEIFER BARN

LEACHATE CONTROL

- Heavy use protection/spreader
- First flush tank
- 150' x 200' filterstrip

WELL/SPRING

Legend

- Wetlands < 2 acres
- Wetlands > 2 acres
- Lakes, Ponds & Rivers
- Rivers & Streams
- Soils (NRCS)

2' Contours 2010

FEATURE

- Index Contour
- Intermediate Contour
- Discharge Point

1 inch = 200 feet



PROPOSED LEDGEVIEW FACILITY 313

OWNER

BROWN

COUNTY

Designed: DLW Checked:

SHEET OF

ESTIMATED QUANTITIES

Brown County Land Conservation

FOR: Ledgeview Farms

BY: DLW

DATE: Mar-14

PROJECT: Construction Costs for compliance

COMMENTS:

[illegible]

Total Cost	\$269,880.00	
Maximum Cost Sharing	\$0.00	0 Percent
Owner Cost	\$269,880.00	

ATTACHMENT B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

IN THE MATTER OF:

Docket No. V-W-14-308-24

Ledgeview Farms LLC
3875 Dickinson Road
De Pere, Wisconsin 54115

Proceeding under Section 308(a) of the
Clean Water Act, 33 U.S.C. § 1318(a)

INFORMATION REQUEST

I. STATUTORY AUTHORITY

The U.S. Environmental Protection Agency is issuing this Information Request to Ledgeview Farms LLC (Ledgeview or you) pursuant to the authority vested in the Administrator of EPA by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a). This authority has been delegated to the Director of the Water Division, EPA Region 5.

II. INSTRUCTIONS

1. You must respond to this Information Request **within 30 calendar days** of receipt. Submission instructions are in Section V of this Information Request.
2. You must respond separately to each of the requests and subparts of each of the requests. Precede each answer with the number of the request to which it corresponds. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the request to which it corresponds.
3. For each request, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
4. If you do not have documents responsive to a particular request, state in your written response that you do not have responsive documents, and provide an explanation of why such documents are unavailable, if applicable.
5. If information and/or documents are not known or not available to you as of the date of your response to this information request and should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

6. Where this information request seeks data or records, provide such information in electronically editable, tabular format (e.g., Excel spreadsheet, etc.) where that data already exists in, or can be organized and provided in, electronically editable, tabular format.
7. You must keep the reports and all records reviewed or generated in the course of responding to this Information Request until EPA informs you in writing that you are no longer required to keep the reports and records, or for three years, whichever is sooner.

III. DEFINITIONS

All terms used in this information request have their ordinary meaning unless such terms are defined in the CWA and/or its implementing regulations, and in which case the statutory and/or regulatory definitions apply.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The term "facility" or "facilities" means:
 - a. Any animal feeding operation(s) (AFO), as defined at 40 C.F.R. § 122.23(b)(1), owned or operated by you (including but not limited to 3875 Dickinson Road and 3688 County Road V); and
 - b. Any associated land application area(s)/site(s), including any field, land and/or property owned, operated, leased, rented, and/or otherwise used by you or under your control that is or may be used to apply manure, litter, and/or process wastewater. See 40 C.F.R. § 122.23(b)(3).
3. The term "identify" means to provide:
 - a. With respect to a natural person, that person's name, job title, business address, and telephone number;
 - b. With respect to a corporation, partnership, business trust or other association, or business entity (including a sole proprietorship), its full name, address, legal status, and form (e.g., corporation, partnership, etc.), its owners, members, officers and directors, and a brief description of its business; and

- c. With respect to a document, its customary business description, date, author's identity, addressor, addressee and/or recipient, and the subject matter.
4. The term "manure" includes animal waste (i.e., solid or liquid animal waste), bedding, compost, and raw materials or other materials (used in or otherwise resulting from the confinement of animals) commingled with manure or set aside for disposal, and includes land application.
 5. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
 6. The term "Order" means the Order for Compliance issued on September 13, 2013, to Ledgeview Farms LLC under Section 308 and 309(a) of the Clean Water Act.
 7. The term "person" means any individual, business, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.
 8. The term "process wastewater" means water directly or indirectly used in the operation of the facility for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facility aspects/structures; direct contact swimming, washing or spray cooling of animals; and dust control. "Process wastewater" also includes any water (e.g., precipitation, water used in the facility's operation, etc.) which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, bedding, or other material or product used in, or resulting from, the confinement of animals.
 9. The terms "you" or "your" or "Ledgeview" refers to Ledgeview Farms LLC and to any agents, employees, contractors, or other entities that performed work or acted in any way on behalf of, or at the direction of Ledgeview.

VI. INFORMATION REQUEST

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following information to EPA. Provide information for the last five years from the date of receipt of this Information Request, unless a particular request specifies a different time period.

General

1. Describe all efforts to manage any increase in manure, litter and process wastewater at the facility as a result of the increase (if any) in the number of mature dairy cows at the facility since April 18, 2013.
2. On what date were animals removed from any animal lots at the facility?
3. State how often Ledgeview removes manure and used bedding from the animal lots that are currently in use.

4. Describe how manure and used bedding from the animal lots currently in use is stored at the facility both in the short- and long-term.
5. Describe how storm water that contacts manure or used bedding materials from animal lots currently in use is contained during rainfall and other runoff events.
6. State whether or not leachate is created in the ensilage process at the facility. If yes, describe how that leachate is managed by Ledgeview.

Interim Measures

7. State whether or not unpermitted discharges from the Site have occurred since September 28, 2013. If they have not stopped, provide the following information for each discharge:
 - a. A description of the material discharged;
 - b. The amount of the discharge;
 - c. When the discharge started;
 - d. When the discharge stopped; and
 - e. Any measures taken by Ledgeview to clean up the discharge.
8. Describe all interim measures (including but not limited to changes in the operation and maintenance of the manure pits at the facility, measures taken to patch the hole in the wall of manure storage pit 2, reduction or elimination of silage leachate production at the facility, elimination of process wastewater runoff) which have been taken by Ledgeview to eliminate all unpermitted discharges from the Site since September 28, 2013. Include the following information for each interim measure:
 - a. A description of the interim measure taken;
 - b. Documentation showing that Ledgeview completed installation of the interim measure (e.g. as-built diagrams, photographs, affidavits, etc.);
 - c. An accounting of the costs to Ledgeview to install, implement and maintain the interim measure;
 - d. A description of how the interim measure contributes to the elimination of unpermitted discharges from the Site;
 - e. The date the interim measure was fully implemented; and
 - f. A description of how Ledgeview plans to maintain the interim measure.
9. Describe all interim measures (including but not limited to changes in the operation and maintenance of the manure pits at the facility, measures taken to patch the hole in the wall of manure storage pit 2, reduction or elimination of silage leachate production at the facility, and elimination of process wastewater runoff) which are planned by Ledgeview to eliminate all unpermitted discharges from the Site. Include the following information for each interim measure:
 - a. A description of the interim measure taken;
 - b. A description of how the interim measure contributes to the elimination of unpermitted discharges from the Site;
 - c. The date physical construction of the interim measure will begin;
 - d. The date the interim measure will be fully implemented; and
 - e. A description of how Ledgeview plans to maintain the interim measure

Nutrient Management - Land Application (limitations, sampling, records)

10. State whether or not Ledgeview has land applied manure, litter or process wastewater closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters since September 28, 2013. If the answer is yes, provide:
 - a. A description of the material which was land applied;
 - b. Where the material was applied;
 - c. The quantity of material which was applied;
 - d. When the material was applied;
 - e. When the material was removed;
 - f. Whether Ledgeview imposed a 35-foot wide vegetated buffer around the land application area; and
 - g. If Ledgeview did not impose a 35-foot wide vegetated buffer, provide any evidence Ledgeview may have demonstrating that a setback or buffer was not necessary.
11. Provide a copy of any record kept by Ledgeview for each day Ledgeview land applied manure, litter or process wastewater since September 28, 2013.

Nutrient Management- Transfers of Manure, Litter or Process Wastewater to Other Persons

12. Provide a copy of any record kept by Ledgeview regarding the transfer of manure, litter, or process wastewater to another person since September 28, 2013.
13. State whether or not Ledgeview provided the most current annual nutrient analysis to any person to whom Ledgeview transferred manure, litter or process wastewater since September 28, 2013.

Site Inspections

14. Has Ledgeview conducted daily inspections of water lines at its facility since September 28, 2013? If the answer is anything other than an unequivocal yes, provide the date(s) on which Ledgeview has conducted a daily inspection at the facility and provide a copy of any inspection report required by paragraph 64 of the Order.
15. Has Ledgeview conducted weekly inspections of all storm water diversion devices, runoff diversion devices, and devices channeling contaminated storm water to containment structures at the facility since September 28, 2013? If the answer is anything other than an unequivocal yes, provide the date(s) on which Ledgeview has conducted an inspection at the facility and provide a copy of any inspection report required by paragraph 64 of the Order.
16. Has Ledgeview conducted weekly inspections of storage structures at its facility since September 28, 2013? If the answer is anything other than an unequivocal yes, provide the date(s) on which Ledgeview has conducted weekly inspections of storage structures at the facility and provide a copy of any inspection report required by paragraph 64 of the Order.
17. Has Ledgeview made weekly determinations of the depth of the manure and process wastewater (and amount of freeboard, where required) in all open surface liquid

structures required under the Order? If the answer is anything other than an unequivocal yes, provide the date(s) on which Ledgeview has made such a weekly determination and provide a copy of any inspection report required by paragraph 64 of the Order.

18. Has Ledgeview conducted any periodic inspections of equipment used for the land application of manure, litter, or process wastewater? Provide the date(s) of any such inspection and provide a copy of any inspection report required by paragraph 64 of the Order.

Discharge Minimization/Notification

19. Has Ledgeview posted procedures at the facility to effectively respond to any spill or discharge pursuant to paragraph 65 of the Order? If yes:
- Describe the location of the posted procedures;
 - Provide a copy of the posted procedures; and
 - Provide the date(s) on which the procedures were posted.

V. SUBMISSION OF INFORMATION

1. You must submit a response to this Information Request within 30 calendar days of receipt to:

U.S. Environmental Protection Agency
Attention: Donald R. Schwer III
Water Enforcement and Compliance Assurance Branch
Water Division, WC-15J
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

2. You must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, which include the possibility of fine and imprisonment for knowing violations.

3. If you find at any time after submitting information to EPA that any portion of the submittal is false or incorrect, you must notify EPA immediately. Knowing submittal of false information to EPA in response to this Information Request may subject you to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.

4. EPA may use the information submitted in response to this Information Request in an administrative, civil or criminal action.
5. There can be significant civil or criminal penalties for failing to adequately respond to requests for information issued under the Section 308(a) of the CWA, 33 U.S.C. § 1318(a).
6. You must provide the information requested even though you may contend that it includes confidential information. You may assert a business confidentiality claim covering any portion of the information requested in this Information Request, as provided in 40 C.F.R. § 2.203(b). Effluent data (as defined in 40 C.F.R. § 2.302(A)(2)) and information in NPDES permit applications are not entitled to confidential treatment. 40 C.F.R. § 122.7.

To assert a confidentiality claim, you must submit the requested information and indicate that you are asserting a claim of confidentiality. You must mark any document over which you assert a claim of confidentiality by attaching a cover sheet stamped or typed with a legend indicating your intent to claim confidentiality. The stamped or typed legend, or other suitable form of notice, should employ language such as "confidential" or "business confidential," and indicate a date, if any, when the information should no longer be treated as confidential. EPA will only disclose the information covered by such a claim to the extent permitted and by means of the procedures set forth in Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. Part 2. You must clearly identify allegedly confidential portions of otherwise non-confidential documents.

Please submit your response to this information request so that all non-confidential information, including any redacted versions of documents, is in one package and all materials for which you desire confidential treatment are in another package. EPA will construe the failure to furnish a confidentiality claim with your response as a waiver of that claim, and the information may be made available to the public without further notice to you. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent.

If you assert a confidentiality claim for any of the information you submit to EPA, you bear the burden of substantiating that claim. EPA will give conclusory allegations little or no weight in its determination. For each document or response you claim confidential, you must separately address the following points:


- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;

- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

Finally, EPA may disclose information which you submit in response to this Information Request to authorized representatives of the United States pursuant to 40 C.F.R. § 2.302(h) even if you assert that all or part of the information is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to confidential treatment, you may comment on this potential disclosure to authorized representatives when you submit your response to this Information Request.

- 7. This Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.
- 8. Please contact Don Schwer by telephone at (312) 353-8752, or via email at schwer.don@epa.gov, if you have any questions about this Information Request.

Date: 7/18/14



Tinka G. Hyde
Director, Water Division